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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,392	12/07/2000	Richard Alan Haase	0170SS-45347	7432

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EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1797

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

merged proceeding

Office Action Summary	Application No. <u>RE-EXAM</u>	Applicant(s)	
	09/733,392 / <u>90/005710</u>	HAASE, RICHARD ALAN	
	Examiner	Art Unit	
	CHESTER T. BARRY	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16, 22, 24-28, 33, 35-38, 40, 41, 44-48, 51-55, 58, 67-70 and 73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16, 22, 24-28, 33, 35-38, 40, 41, 44-48, 51-55, 58, 67-70 and 73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

Prosecution History of 08/721,557 (now 5,846,435)

Claim 17 was directed to a restricted, non-elected method during prosecution of application SN 08/721,557, the application that matured to USP 5,846,435, now subject to this merged reissue / reexam proceeding. Claim 17 as filed read:

17. A method for dewatering biological sludge that has been digested by a thermophilic digestion process comprising:
- a. forming a quaternized polyacrylamide, which has polymeric quaternary ammonium compound as part of its polymer chain, by copolymerization of acrylamide with monomers of quaternization of the polymeric quaternary ammonium compound; and
  - b. adding the quaternized polyacrylamide directly to the sludge; such that the quaternized polyacrylamide individually dewateres the sludge.

Claim 25 was directed to another restricted, non-elected method during prosecution of application SN 08/721,557. Claim 25 as filed read:

25. A method for dewatering sludge comprising:
- a. forming a quaternized polyacrylamide, which has polymeric quaternary ammonium compound as part of its polymer chain, by copolymerization of acrylamide with monomers of quaternization of the polymeric quaternary ammonium compound; and
  - b. adding a blend of the quaternized polyacrylamide with a cationic polyacrylamide to the sludge; such that the polyacrylamide blend dewateres the sludge.

Insofar as no pending claim recites either of these two inventions, or substantially the same subject matter as either thereof, no pending claim is rejected under the *Orita* doctrine of 35 USC Sec 251. In re Doyle, 63 U.S.P.Q.2d 1161 (Fed. Cir. 2002).

Sec 112, second paragraph

Claims 1– 8,10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claim 1, it is unclear what “adding a cationic or **separately** adding” an anionic polyacrylamide to the sludge means. Adding a cationic polyacrylamide to the sludge is clear on its face. Adding an anionic polyacrylamide to the sludge is clear on its face. It is not clear what “separately adding” means. Adding an anionic polyacrylamide separate from **what?** Separate from a cationic polyacrylamide ? If so, this interpretation is too confusing to pass muster under Sec 112, second paragraph, for it is not at all clear that a cationic polyacrylamide must be added if an anionic polyacrylamide is being added. If not this interpretation, then it is unclear what other material must also be added and added separate and apart from the anionic polyacrylamide. Each claim that is dependent on claim 1, i.e., claims 2 – 8,10-16, is also rejected for this reason as no such dependent claim resolves this fatal ambiguity.

Claims 47 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 47 states that the polymeric quaternary ammonium compound “comprises” a specified molecular weight. This construction is confusing. By analogy, it would be confusing to state that a person “comprises” 200 lb. or 98.6°F. This rejection may be overcome by amending the claim in question to specify that the polymeric quaternary ammonium compound “has” a molecular weight in

a specified range; "wherein said polyacrylamide comprises ~~comprising~~ a cationic moiety ~~comprises~~ having" a molecular weight in a specified range; and "wherein said polyacrylamide comprises ~~comprising~~ an anionic moiety ~~comprises~~ having" a molecular weight in another specified range. The same grounds for rejection and suggested amendments apply to claim 54.

Claims 33, 35 - 37 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step is: Contacting the sludge with a polyacrylamide. Claim 33 is directed to a method for dewatering sludge. The claimed method recites only the step of adding to the sludge a polymeric quaternary ammonium compound even though the specification states that each "polyquaternary amine [sic] chemical component used in the chemical method is not large enough to create large enough flocs to dewater the sludge." See also col 5 lines 53-57. Accordingly, any claim that does not recite the addition of both a polymeric quaternary ammonium compound and a polyacrylamide fails to recite an essential step of the process for dewatering sludge. Claims 34 - 37 are rejected for the same reasons as claim 33 given that none of claims 34 - 37 recites the step of "further comprising adding polyacrylamide to the sludge," or the like. Note that claims 38, 73 are not rejected on the foregoing basis.

Applicant admits at page 28 of the 1/9/08 response that his "Methods One and Two . . . teach the **need** of a polyacrylamide, cationic and anionic, respectively, along

with the primary component" (emphasis added).<sup>1</sup> Accordingly, the rejection is maintained because the claims of this application are properly directed only to the inventions of Method One and Method Two.

Examiner's Note: Cancellation of claim 34 in Response to Substantive Rejection

Following rejection of claim 34 under 35 USC Sec 112, first paragraph, in the last Office action, Applicant stated he agreed that there is no specific teaching in this application that the "polyquaternary amine, polymeric quaternary ammonium compound, comprises [*sic*, has?] a molecular weight of "'specifically' of [*sic*] greater than 5,000,000." The Examiner declines Applicant's invitation to state on the record that "the teachings in the instant invention [*sic*, application?] and in the instant claims direct one of ordinary skill in the art to higher molecular weight polymers for final floc formation" because doing so has no bearing on the issue at hand: The allowability of the pending claims. That is to say, whether Applicant's disclosure describes, suggests, motivates, or otherwise anticipates or renders obvious the use of higher molecular weight polymers for final floc formation is not relevant to whether the pending claims are anticipated by the prior art, would have been obvious to a person having ordinary skill in the art at the time this invention was made, was adequately described, was enabled, etc. The Examiner's views on points that are not germane to these issues would be *dictum*, mere advisory opinions, and an imprudent expenditure of scarce administrative resources.

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Therefore, it is only Methods One and Two which teach the need of a polyacrylamide, cationic  
1 and anionic, respectively, along with the primary component. Applicant/Owner refers the

Rejections based on 35 USC Sec 103(a)Eberhard and McGrow

Claims 1 - 2, 4 - 8, 10 - 13, 15 - 16, 22, 24 - 28, 33, 35-38, 40, 41, 44 - 48, 51-55, 58, 67- 70, 73 are rejected under 35 USC Sec. 103(a) over Eberhard (in view of Williams) and McGrow (in view of Reimschuessel and USP 5178774 to Payne).

Eberhard

USP 5019267 to Eberhard at Example 3 (col 5) describes a method for dewatering biological sludge from a "constant 50°C" (col 5 line 58) digestion process. Eberhard describes adding a cationic polymeric flocculent, i.e., Zetag 92, to the biological sludge. As evidenced by USP 5561520 to Williams, Zetag 92 compound is an ultra-high molecular weight polyacrylamide carrying a medium charge density (col 6 line 10).

Example 3 of Eberhard does not describe a sludge from a "thermophilic digestion process," as that term is defined by applicant / owner in his original specification, because 50°C is not "greater than about 55°C" (Haase '435, col. 2 lines 12-14).<sup>2</sup>

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<sup>2</sup> "The thermophilic digestion system relies on high operating temperatures (greater than about 55°C. or 131°F) to achieve a substantial pathogen destruction." Haase '435 col 2 lines 12-14. In discussing the prior art, applicant / owner's stating that "when mesophyllic [sic, mesophilic] bacteria are used, digester systems operate between about . . . 15°C . . . and about . . . 40°C" (Haase '435 col 1 line 62) would not support the contention, if asserted, that applicant's "thermophilic digestion process" operates at any temperature over 40°C. The art recognizes a gap between the uppermost temperature of the mesophilic range and the lowermost temperature of the thermophilic range. See, for example, Grant & Hackh's Chemical Dictionary wherein mesophilic and thermophilic are defined as describing organisms of optimum growth at 25 – 40°C and 60 – 80°C, respectively. Equally unpersuasive would be the argument

Eberhard does not describe adding a polymeric quaternary ammonium compound as primary component to the biological sludge. Eberhard does not describe the combination of a polymeric quaternary ammonium compound and a polyacrylamide as enhancing the dewatering of thermophilic sludges.

#### McGrow

USP 5213693 to McGrow is directed to a sewage-derived (col 1 line 19) sludge dewatering processes. McGrow teaches that when the McGrow application was filed in 1990, it was "standard practice" to facilitate the dewatering of an aqueous suspension by adding coagulant and/or flocculent to it (col 1 lines 5 – 6). McGrow defines a "coagulant" as a highly ionic low molecular weight material that achieves its effect primarily by absorbing onto the surface of the suspended particles and changing the surface charge on them (col 1 line 7). Accordingly, applicant's "primary component" material reads on a coagulant. McGrow explains further that a "flocculent" is a high molecular weight material that achieves its effect primarily by attaching to and bridging between adjacent suspended particles (col 1 line 11).

McGrow describes the use of 0.5 to 5 parts (col 10 line 1) cationic coagulant polymers, such as polydiallyldimethyl ammonium chloride (col 5 lines 40-44) in concert with one part (col 10 line 1) flocculent polymers, such as the Percol 757 product (col 5 lines 45-

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that the statement that "[a]t temperatures of at least about 115 °F [i.e., about 46 °C], active bacteria are of



48), a copolymer of acrylamide and a quaternary ammonium compound (as shown by Reimschuessel).<sup>3</sup>

McGrow teaches that addition of a solution formed from a blend of bead-form cationic polyDADMAC coagulant, such as Percol 368 brand (col 5 line 43) or Magnafloc 368 (col 7 line 37), and bead-form 90 mole % cationic acrylamide copolymer (col 5 line 55) (col 6 lines 3 – 6) (col 8 line 34) to a municipal sewage sludge gives numerous advantages over addition of a high molecular weight polymeric flocculent alone (col 6 line 30 – 45). The advantages include smaller, evenly structured and highly filterable flocs having good shear stability, a system resistant to overdosing and underdosing, reduced risk of forming gelatinous flocs, drier cake, reduced cycle times, better dewatering equipment capacity utilization, improved filtrate quality, better cake release, and cleaner filter cloths.

Per claims 1, 2, 15, and 16, it would have been obvious to have conducted Eberhard's Example III at thermophilic range temperatures higher than 50°C, say, at about 55 – 60°C, because temperature is a known result-effective variable, nothing in Eberhard teaches away from operating the digestion process at higher temperatures, the skilled artisan would have expected faster pathogen kill and waste degradation rates in view of

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the thermophilic variety" (Haase, '435, col 2 line 9) for this statement relates to thermophilic bacteria, not a "thermophilic digestion process."

<sup>3</sup> USP 4888396 to Reimschuessel discloses that Percol 757 product is a copolymer of acrylamide and acryloxyethyltrimethylammonium chloride (see note of Table 2, col 16 line 34).

the Arrhenius equation, and because Eberhard teaches that the prior art had conducted enzymatic treatment of biomass at temperatures as high as 60°C (Eberhard, col 1 line 54).

Per claims 1, 2, 15, and 16, it would have been obvious to have substituted addition of McGrow's solution prepared from a blend of bead-form cationic polyDADMAC coagulant, such as Percol 368 brand (col 5 line 43), and bead-form 90 mole % acrylamide copolymer (col 5 line 55) (col 6 lines 3 – 6) to Eberhard's thermophilic sludge for the high molecular weight Zetag 92 polyacrylamide flocculent alone, as taught in Eberhard, in order to achieve the numerous advantages of using a coagulant / flocculent solution over addition of traditional polymeric flocculent alone, as taught by McGrow (col 6 lines 30-45).

Per claim 4, the prior art literature in this field suggests that coagulant and flocculant polymers should be dosed sequentially, as shown by McGrow (col 6 line 62).

Accordingly, it would have been obvious to have first added McGrow's coagulant to Eberhard's thermophilic digestion process-treated biosludge, allowed for microfloc development, and then added McGrow's polymeric flocculant, as suggested by the prior art literature. The McGrow disclosure as a whole does not constitute a "teaching away" of the invention of claim 4 at least for the reason that the prior art literature expressly suggests sequential addition of coagulant and flocculant, or because the skilled artisan is not compelled to avail himself or herself of certain advantages when an alternative

albeit less advantageous approach is suggested. Alternatively, it would have been obvious at the time the Haase '435 invention at issue was made to have adopted the prior art sequential addition approach in order to avoid infringement of the McGrow patent. Independent claims 1 and 6 of McGrow, for example, each require a step of providing a water-soluble particulate mixture of beads of cationic coagulant polymer and separate beads of cationic flocculant polymer.

Per claims 5 - 6, 27 McGrow describes coagulant: flocculant ratios of 0.5 – 5 (col 10 line 1), i.e., 0.5:1 to 5:1.

Per claims 7, 28, the dosage of polymer added per percent total solids in the sludge is a matter of routine experimentation, so optimization of the same would have been *prima facie* obvious. Besides, McGrow's example of "about 4 kg per ton dry solids sludge" (col 7 line 50) corresponds to about 44 ppm:1% solids.<sup>4</sup> Claim-recited "about 50 ppm : 1% " reads on about 44 ppm:1% solids, as described by McGrow. Furthermore, the range of about 44 ppm:1% solids to about 55 ppm:1% solids is suggested by McGrow's comparison test using 4 – 5 kg polymer (col 7 line 59) so that true side-by-side comparisons can be made.

Per claim 8, McGrow states that coagulant beads can be added directly to the suspension followed by addition of an anionic flocculent. McGrow col 4 lines 4 – 13.

Additional details about this disclosure are provided by US patent application Ser. No. 546, 435 filed 6/29/90 (now USP 5178774 to Payne et al.). See Payne col. 4 lines 14-24 and Example I, at col 11. Given the disclosure that coagulant polymers are “highly charged,” the claim-recited limitation of “cationic overcharge” is inherently described in the disclosure of addition of polyDADMAC or other highly charged coagulant polymer to a suspension.

Per claims 10 and 12, McGrow describes using 10 parts coagulant polymer for each part flocculant polymer (col 5 lines 56-63, especially line 61). Alternatively, per claims 12 and 13, it would have been obvious to have optimized the relative proportion of the coagulant and flocculant because this process parameter is well-known to be result-effective in flocculation processing.

Per claim 11, see col 9 lines 7 – 41, particularly lines 10 – 11, as well as col 6 line 55 of Payne (incorporated by reference into McGrow). Payne teaches using anionic flocculants that are at least 50% anionic. Applicant / owner’s claim-recited limitation that the anionic polyacrylamide be “about 40% anionic” reads on Payne’s description of the anionic polyacrylamide flocculant that is 50% anionic. Alternatively, it would have been obvious to have varied the mol % of the charged (anionic) monomer in the flocculant copolymer to optimize dewatering performance because percent charge is a known result-effective variable, as shown by McGrow and Payne.

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<sup>4</sup> Assume one ton (2000 lb) dry solids suspended in a 1% solids suspension with 4 kg added polymer.

Claims 1 - 2, 4 - 8, 10-13, 15-16, 22, 24-28, 33, 35-38, 40, 41, 44-48, 51-55, 58, 67-70, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admissions as to the state of the prior art further in view of McGrow.

Applicant admits<sup>5</sup> that it was known that a thermophilic digestion process in public use in this country at College Station Texas added a commercial "cationic" polyacrylamide flocculent to facilitate dewatering of the biological sludge. It was known also that the dewaterability of this sludge was less than desired. There was an apparent motivation to improve the dewaterability of the sludge.

McGrow teaches that addition of a solution formed from a blend of bead-form cationic polyDADMAC coagulant, such as Percol 368 brand (col 5 line 43) or Magnafloc 368 (col 7 line 37), and bead-form 90 mole % cationic acrylamide copolymer (col 5 line 55) (col 6 lines 3 - 6) (col 8 line 34) to a municipal sewage sludge gives numerous advantages over addition of a high molecular weight polymeric flocculent alone (col 6 line 30 - 45). The advantages include smaller, evenly structured and highly filterable flocs having good shear stability, a system resistant to overdosing and underdosing, reduced risk of forming gelatinous flocs, drier cake, reduced cycle times, better dewatering equipment

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Then polymer concentration would be  $4000 \text{ g} / (454 \text{ g/lb}) / 200000 \text{ lb} * 1000000 = \text{about } 44 \text{ ppm} : 1\% \text{ solids}$ .

<sup>5</sup> Richard Haase declaration filed 12/21/06 at paragraph 4 agreeing with Audrey Haase statement that the dewatering chemical in previous use was a Nalco "cationic" polyacrylamide.

capacity utilization, improved filtrate quality, better cake release, and cleaner filter cloths.

In light of McGrow's teaching that use of a combination of polyDADMAC and cationic polyacrylamide performs better with respect to filterability of formed flocs, better shear stability, drier cake, i.e., improved dewaterability, better dewatering equipment capacity utilization, and various other dewatering process parameters, compared to use of a cationic polyacrylamide flocculent alone, it would have been obvious to have added an effective amount of polyDADMAC to the biological solids at the College Station plant.

#### Response to Arguments

At page 31, Applicant's argument begins, "if McGrow were obvious . . . ". The issue in this application isn't whether the claims in McGrow's patent were obvious. The issue is whether applicant's claims are obvious in view of McGrow and the other applied prior art.

Applicant alleges at page 31 that "the industry" and Allied Colloids "were unable to develop the instant invention after years of attempt [*sic*] prior to the teaching of Applicant/Owner." Applicant offers no proof that he had knowledge that the industry and Allied Colloids were attempting to develop the claimed invention, e.g., a method of dewatering a thermophilic biological sludge by adding a polymeric quaternary ammonium compound as primary component to the sludge and adding a cationic or

separately adding an anionic polyacrylamide to the sludge such that the compound and the polyacrylamide enhanced the dewatering of the sludge. Even if Applicant had knowledge that the industry or Allied Colloid was seeking an improved method of dewatering a thermophilic biological sludge, that knowledge alone does not put one in possession of the knowledge the "strategy" or approach, if it were, to do so by adding adding a polymeric quaternary ammonium compound as primary component to the sludge and adding a cationic or separately adding an anionic polyacrylamide to the sludge. If Applicant were indeed aware that the industry and Allied Colloid were attempting to improve dewatering of a thermophilic biological sludge by adding this particular compound and this particular polyacrylamide, then surely the Examiner would want to know whether Applicant acquired this specific knowledge before or after applicant's conception of the claimed invention.

Assuming that Allied Colloids practiced the claimed invention after learning of it from applicant, that is not to say they were unable to do so before that time. Applicant draws an inference that does not appear to be based on objective evidence or facts. If applicant has specific evidence in support of such allegation, the Examiner would indeed want to see it.

Applicant premises another argument found at page 31 on condition that "the instant invention was non-obvious to the inventor of McGrow." Again, the issue is not what subject matter was or was not obvious to the prior art: The issue is whether the prior art renders the claimed invention obvious to the hypothetical person having ordinary skill in the art.

Consideration of Haase Supplemental Declaration filed 1/9/08:

The opinions of paragraph 4 were carefully considered, but the suggestion to combine the teachings cited in the applied prior art made a more persuasive case of obviousness.

The argument at paragraph 5 is not probative of non-obviousness of the claimed invention: The issue is not whether it would have been obvious to "try" the claimed invention given knowledge of the applicant's teachings in this application. The issue is whether the claimed invention would have been obvious in view of the *prior* art.

The allegation at paragraph 6 that Allied Colloids *copied* applicant's invention has not been established through evidence. The Declaration does not state whether the invention Allied Colloids allegedly copied was that of independent claim 1, 22, 33, 41, 48, 55, or 67. Is the examiner to infer from the Declaration that Allied Colloids copied each of such independent claims? Or that they copied a generic embodiment that encompasses each such independent claim? If adequately shown for one independent claim, is it Applicant's position that such would be evidence of the non-obviousness of all independent claims?

Applicant does not allege that Allied Colloids first learned of the specifics of the technology from Applicant. Applicant simply states that applicant's demonstration of the technology in 1996 together with an implication (the declaration is not clear on this point) that Applicant asked Allied Colloids for dry poly(DADMAC) somehow informed



Allied Colloids all they needed to know to practice the invention. It is unclear from Applicant's declaration whether Allied Colloids was specifically informed that it is the combination of adding poly(DADMAC) and polyacrylamide to the sludge that produced improved dewatering. For want of at least this evidence, the allegation of "copying by others after failed attempts" as evidence of non-obviousness is inadequately supported by facts.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

/Chester T. Barry/



Primary Examiner, Art Unit 1797

571-272-1152

4/11/08